Entered – 4-17-01 - sb CL 01L0239 - ALEXIS HOLMES

CLAIM OF: TABITHA PULLIN

Through her Attorney David A. Sleppy, Esq. Cathey & Strain 649 Irvin Street P.O. Box 689

Cornelia, Georgia 30531

For damages sustained as a result of a copyright infringement during the summer of 1985.

THIS ADVERSE REPORT IS APPROVED

BY: COCCUE PUBLIA NEWELL DEPUTY CITY ATTORNEY

APVESSINGE SEP 04 2001

PUBLIC SAFTEY & LEGAL ADMINISTRATION COMMITTEE DATE CHAIR C. T. Marlin Cola Heaston	SEP 0 4 2001  ATLANTA CITY COUNCIL PRESID
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RHONDA DAUPHIN JOHNSON, CMC MUNICIPAL CLERK

September 12, 2001

55 TRINITY AVENUE, S.W. SECOND FLOOR, EAST SUITE 2700 ATLANTA, GEORGIA 30335 (404) 330-6033 FAX (404) 658-6103

David A. Sleppy, Esq. Cathey & Strain 649 Irvin Street P.O. Box 689 Cornelia, Georgia 30531

01-R-1258

RE: Tabitha Pullin

Dear Attorney Sleppy:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 04, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC

Municipal Clerk

cc: Claims Division/Law Department

# **DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claimant   Victim   TABITHA PULLIN	Claim No. 01L0239	Date: <u>8/1/01</u>	
Address: P.O. 689 Comeils, Georgia 30531  Subrogation: Claim for Property damage \$ Unspecified	Claimant /Victim TABITHA PULLIN		
Address: P.O. 689 Comelia, Georgia 30531 Subrogation: Claim for Property damage \$ Unspecified			
Subrogation: Claim for Property damage \$ Unspecified			
Date of Notice: 41(60)	Subrogation: Claim for Property damage \$ Unsp	pecified Bodily Injury \$	
Conforms to Notice: O.C.G.A. §36-33-5	Date of Notice: 4/16/01 Method: Writ	tten, proper X Improper	
Date of Occurrence Summer 1985 Place: Camp Summer Fun and Fitness Deceardment PRCA Division: Parks Employee involved Karl McCray Disciplinary Action: None taken  NATURE OF CLAIM: The claimant while attending the City of Atlanta's "Camp Summer Fun and Fitness" program in 1985 entered, and won City sponsored contest for ideas to rename their summer camp program. A portion of the claimant's idea "You're My Best Friend," was used no conjunction with ideas from other contestants. In January 1993 the City legally changed the name of its summer camp program to "Camp Sest Friend," when it filed a 5016 (3) to incorporate "Camp Best Friend," as a nonprofit organization. On Summary 19, 1993 the City gave sublic notice in the Fulton County Daily Report's classified section, of its intent to incorporate the summer camp program. The claimant filed copyright application in 1998 however, the claimant did not received her copyright until May 1999. Therefore, the claimant's contest entry was deemed a generic phrase that was considered public domain when the City incorporated its new summer camp program name. Further, the laimant has failed to comply with the requirement of notice as set forth in O.C.G.A. § 36-33-5, the six month limitations expired prior to eccipt of the claim.  INVESTIGATION:  Statements: City employee X Claimant Order X Written X Oral X Pictures X Diagrams Reports: Police Dept Report Other Traffic citations issued: City Driver Claimant Negligent City Driver Order Accommental X Ministerial Compromise settlement Repair/replacement by City Forces Claimant Negligent City Negligent City Negligent Claim Abandoned Respectfully submitted,  Respectfully submitted,  Concurrence Funds Adverse X Account charged: 1A01 2101 21101 Claim Abandoned Committee Action: Council Action: Council Action:			
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### **CATHEY & STRAIN**

ATTORNEYS AT LAW

**6 IRVIN STREET** 

P. O. BOX 689

**CORNELIA, GEORGIA 30531** 

DENNIS T. CATHEY EDWARD E. STRAIN, III DAVID A. SLEPPY TELEPHONE 706-778-2601 TELECOPIER 706-776-2899

email: cas1@alltel.net

March 23, 2001

ENTERED - 4-17-01 - SB 01L0239 - ALEXIS HOLMES

Ms. Renee M. Shepherd Associate City Attorney Suite 4100 City Hall Tower 68 Mitchell Street, S.W. Atlanta, GA 30335-0332

RE: "My Best Friend" and "Camp Best Friends"

#### Dear Renee:

It was a pleasure speaking with you recently about the above-referenced matter. As we discussed, I have enclosed copies of the relevant correspondence and other documentation which will better help you to understand Ms. Pullin's problem.

Briefly, the facts are as follows: During the summer of 1985 Tabitha Pullin (who was approximately 12 years old) attended a summer camp sponsored by the City of Atlanta called "Summer Fun and Fitness" which was a summer camp program for young people. During her attendance at the camp, she created a project entitled "You're My Best Friend". This project won first place in the summer camp contest. Ms. Pullin is in possession of a duplicate of the project which was essentially a four-sided, translucent project that involved her art work, including a picture of a tree with the title "You're My Best Friend".

As a result of her poem-art collage, Ms. Pullin won an award and received limited recognition from the City of Atlanta by way of correspondence and lunch with the mayor. (Copies of the relevant documentation and correspondence are attached.) What occurred next is what is troubling Ms. Pullin. Apparently, beginning in 1986, the name of "Camp Summer Fun and Fitness" was changed to "Camp Best Friends" as a direct result of Ms. Pullin's poem-art collage. As you can see from the enclosed, "Camp Best Friends" was promoted and marketed by the City of Atlanta with Ms. Pullin's "Best Friends" idea as its title. Additionally, the City of Atlanta solicited corporate sponsorship and contributions for "Camp Best Friends".

Ms. Renee M. Shepherd Page 2 March 23, 2001

Ms. Pullin finished her schooling, went away to college and got her degree. Eventually she discovered that the City of Atlanta had been using her idea for many years to market and promote "Camp Best Friends" for young people. I'm assuming that "Camp Best Friends" is a profit-making activity for the City of Atlanta. The City of Atlanta also has solicited corporate sponsorship and other contributions towards "Camp Best Friends". Ms. Pullin has since filed for a copyright of her poem-art.

Ms. Pullin feels that she did not receive proper recognition and/or compensation by the City of Atlanta for the appropriation of her idea. She was a minor at the time and the City of Atlanta never received either her permission or the permission of her parents to use her idea in the naming and promotion of its summer camp. Ms. Pullin has asked me to look into whether or not she has any recourse in this regard. I thought the best thing to do would be to write a letter to the City Attorney's office regarding this to see if we could sit down and discuss this in person or at a mediation. Insofar as you were the attorney "on call" when I called the City Attorney's office to discuss this, I am writing to you.

Thank you for your time and consideration of this matter. Please give me a call to discuss this further after you have had a chance to review and evaluate the enclosed.

Yours very truly,

David A. Sleppy

DAS/kmc Enclosures

cc: Mr. Harold Pullin

Ms. Tabitha Pullin

# Atlanta City Council

# Regular Session

MULTIPLE	Public Safety Consent Agenda except #	15
1258		
	ADOPT	

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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